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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,759	09/19/2003	Shigeru Uzawa	594.522US01	9093
23552	7590	05/18/2004		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER HA, NGUYEN T	
			ART UNIT 2831	PAPER NUMBER

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/665,759	UZAWA ET AL.
	Examiner Nguyen T Ha	Art Unit 2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 May 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 20-37 and 42-43 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15-19 and 38-41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/03 & 11/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 15-19 and 38-41 Paper filed 5/5/2004 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-17, 19, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Yan et al. (US 4,603,467).

Regarding claim 15, Yan et al. disclose a flat aluminum electrolytic capacitor (figures 1-4) comprising; a separator/spacer (8) impregnated with an electrolytic solution (column 7, lines 39-41), an anode foil (1) and a cathode foil (5), a flat capacitor element that has external lead-out terminals (3 & 6) connected respectively to the anode foil and the cathode foil, and a flexible casing (9) that houses the capacitor element and is hermetically sealed (column 4, lines 33-35). The limitations of the electrolytic capacitor being subjected to an **aging treatment** before encasing the capacitor element in the flexible casing and the method step of hermetically sealing the flexible casing have been considered. However, the presence of process limitations in product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. **In re Stephens 145 USPQ 656 (CCPA 1965).**

Regarding claim 16, Yan et al. disclose a flat aluminum electrolytic capacitor (figures 1-4) comprising: a separator/spacer (8) impregnated with an electrolytic solution (column 7, lines 39-41), an anode foil (1) and a cathode foil (5), a flat capacitor element that has external lead-out terminals (3 & 6) connected respectively to the anode foil and the cathode foil, and a flexible casing (9) that houses the capacitor element and is hermetically sealed (column 4, lines 33-35). The limitations of the electrolytic capacitor being encased in a predetermined casing, subjected to an **aging treatment under sealed condition, with a gas generated during the treatment** being discharged to the outside, the flexible casing then being hermetically sealed have been considered. However, the presence of process limitations in product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. **In re Stephens 145 USPQ 656 (CCPA 1965).**

Regarding claim 17, Yan et al. disclose a flat aluminum electrolytic capacitor (figures 1-4) comprising: a separator (8) impregnated with an electrolytic solution (column 7, line 39-41), an anode foil (1) and a cathode foil (5), a flat capacitor element that has external lead-out terminals (3 & 6) connected respectively to the anode foil and the cathode foil, and a flexible casing (9) that houses the capacitor element and is hermetically sealed (column 4, lines 33-35). The limitations of the electrolytic capacitor being subjected to an **aging treatment** while being impregnated with the electrolytic solution, and then encased in the flexible casing have been considered. However, the presence of process limitations in product claims, which product does not otherwise

patentably distinguish over prior art, cannot impart patentability to the product. *In re Stephens 145 USPQ 656 (CCPA 1965)*.

Regarding claims 19, 40 and 41, Yan et al's capacitor could be used at voltage of 100 V or higher, or in a strobe flash as claimed.

4. Claims 18 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yan et al (US 4,603,467) in view of Frinkelstein et al. (US 4,580,194).

Regarding claims 18 and 38, Yan et al. disclose all the claimed limitations with respect to claims 15 and 16 above, except for the electrolytic solution of the flat aluminum electrolytic capacitor contains at least one kind of a nitro compound.

Frinkelstein et al. teach an electrolyte containing nitro compound (column 5, lines 6-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Frinkelstein electrolyte substituted into Yan in order to increase the capacitance and working voltage for the capacitor.

#### **Citation Relevant of Prior Art**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Puppolo et al. disclose copper encased flat electrolytic capacitor manufacture and capacitor.

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Ha whose telephone number is 571-272-

1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen T. Ha  
May 7, 2004

  
5/13/04  
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SUPERVISORY PATENT EXAMINER  
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